

UPPER COLUMBIA UNITED TRIBES
Colville Confederated Tribes Coeur d'Alene Tribe Kalispel Tribe
Kootenai Tribe of Idaho, Spokane Tribe
P.O. Box 100, Wellpinit, WA 99040

February 24, 2000

Mr. George Frampton
Chair
Council on Environmental Quality
Old Executive Office Building, Room 360
Washington, D.C. 20502

RE: Government to Government Consultation

Dear Mr. Frampton:

The Upper Columbia United Tribes appreciate your efforts to meet with Tribal representatives, Warren Seyler and Howard Funke in Washington D.C. on January 26, 2000, in spite of the difficult weather conditions. As was explained during the meeting, representatives from several other upriver tribes from both the Snake and Columbia River systems attempted to be at the meeting but were precluded due to weather conditions.

Our Tribal Council's, however, are disappointed. We expected a written response from the Federal Caucus in reaction to the issues raised in our January 5th consultation proposal letter and the January 26th meeting. We also made a tremendous effort to be at the meeting to convey our concerns, but we have not heard back from you. The UCUT Tribes have requested at least a general description of a proposed schedule and process for the consultation process. We also need a response to our request for a facilitator/coordinator for consultation. We were hopeful of some demonstration of federal commitment to a collaborative process to help set the tone for the consultation process. We look forward to such a response and appreciate your attention to these very important matters.

Generally, the UCUT member tribes seek direct consultation with executives of the Federal Caucus concerning configuration and operation of the Federal Columbia River Power System, as well as other decisions and actions discussed in the "All H Paper". In our Consultation Proposal and in the January 26, 2000 meeting, we requested discussion on several specific matters. These issues are contained in a list attached to this letter.

In the January 26th meeting, a request was made for any existing information we could provide that briefly explained or identified up-river impacts. Enclosed are two February 1997 filings by the Spokane Tribe in the American River v. NMFS proceeding. The Memorandum in Support addresses some of the interests of the Spokane Tribe in the operation of the FCRPS. The Brief discusses flood control impacts as well as describes the Tribe's interests in development of an open, honest and effective regional governance process with Tribes and other necessary governments at the table. Further information can be made available regarding these matters during the consultation process.

Sincerely,

Bruce Wynne
Chairman

cc: Tribal Chairs of the UCUT Tribes
Administrator of the Bonneville Power Administration
Regional Director of the National Marine Fisheries Service
Regional Director of the U.S. Army Corps of Engineers
Regional Director of the U.S. Bureau of Reclamation
Regional Director of the U.S. Fish & Wildlife Service
Regional Director of the U.S. Environmental Protection Agency
Regional Director of the U.S. Forest Service
Regional Director of the U.S. Bureau of Land Management
Regional Director of the Bureau of Indian Affairs
Tribal Coordinator for the Federal Caucus

ISSUES LIST

1) A collaborative process which includes Tribes in decision making.

- a) All H process has been a closed process, with minimal sharing of information or collaboration.
- b) Generally, process has been too focused on salmon species, especially Snake River stocks; need to approach from a regional and ecosystem perspective.
- c) Upriver Tribes not attempting to stifle salmon recovery, but upriver impacts need to be fully considered and addressed.
- d) Need timely transfer of technical data and assistance with interpretation.
- e) Request funding for a UCUT coordinator/facilitator to assist in the consultation process,
- f) Request a pre-planned commitment to a process and schedule for on-going coordination and consultation.

2) Upriver interests and impacts must be addressed.

- a) Seek commitment to meet federal trust obligations to UCUT Tribes.
- b) Upriver impacts can be and have been severe and long standing.
- c) Commitment to cultural resource protection and compliance with the National Historic Preservation Act and Native American Graves Protection and Repatriation Act.
- d) Commitment to and compliance with the Clean Water Act.
- e) Reconciliation of the UCUT Blocked Area Management Plan with FCRPS Operations and the Northwest Power Planning Council's Fish and Wildlife Program Amendment process.